AMENDMENTS TO THE CLAIMS

1. (Currently Amended)   A method of searching for a recordable position of a writable disk, comprising the steps of:

(a) reading data recording information of the writable disk, the data recording information indicating a position of last track recorded and a recordable position for data to be recorded;

(b) examining whether or not an area after ~~a~~ the recordable position indicated by the read data recording information has recorded data ~~or not~~; and

(c) ~~changing~~ determining whether to change the recordable position to ~~other~~ another position for new input data based on the examination result.

2. (Currently Amended)   The method set forth in claim 1, wherein ~~the data recording information consists of~~ the last track position indicated by the data recording information is ~~information~~ recorded on ~~of~~ a tentative ~~program memory~~ control area of the disk ~~and lead-in area information~~, the tentative control area being at a more inner location than a lead-in area of the disk.

3. (Currently Amended)   The method set forth in claim 1, wherein said step (b) scans a predetermined amount of physical tracks ~~as~~ to ~~checking~~ check a binary signal therefrom and ~~whether a reproduced signal is changed from binary toggling state to a constant level~~ thereby examines whether any data has been recorded in said area after the

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recordable position indicated by the read data recording
information.

4. (Currently Amended) The method set forth in claim 3,
wherein the predetermined amount of physical tracks is longer
than a pause section specified to be a gap gapped between two
tracks on the disk.

5. (Currently Amended) The method set forth in claim 1,
wherein said step (c) closes recorded data located ahead of
an the examined actual final position of recorded data in
into a session, and determines a new recordable position
apart from the closed session.

6. (Currently Amended) The method set forth in claim 5,
wherein said step (c) determines the new recordable position
to be separated as much as a lead-in area from the closed
session.

7. (Currently Amended) The method set forth in claim 1,
wherein said step (c) determines a new recordable position to
be separated from the an examined actual final position of
recorded data by a predetermined amount of physical tracks.

8. (Currently Amended) The method set forth in claim 7,
wherein the predetermined amount of physical tracks is longer
than a pause section specified to be a gapped gap between two
tracks on the disk.

9. (Currently Amended) A method of searching for a
recordable position of a writable disk, comprising the steps
of:

(a) ~~checking whether a previous recording has been done normally~~ <u>searching a last position of data recorded previously based on a position information</u>;

(b) examining a recording area affected by a writing beam during the previous recording based on the ~~checked~~ <u>searched last position</u> result; and

(c) determining a recordable position for new input data based on the examination result.

10 (Canceled)

no this is for recording not repr.

11. (Currently Amended) The method set forth in claim 9, wherein said step (c) closes <u>a session where the last recording position indicates</u> ~~recorded data of which recording has been done abnormally in a session~~, and determines a new recordable position apart from the closed session.

12. (Currently Amended) The method set forth in claim 11, wherein said step (c) determines the new recordable position <u>to be</u> separated as much as a lead-in area from the closed session.

13. (Currently Amended) The method set forth in claim 9, wherein said step (c) determines a new recordable position <u>to be</u> separated as much as a predetermined amount of physical tracks from a ~~final~~ <u>last position</u> of recorded data ~~of~~ <u>for</u> which recording has been done abnormally. *? not defined*

14. (Currently Amended) The method set forth in claim 13, wherein the predetermined amount of physical tracks is longer than a pause section specified to be <u>a gap</u> ~~gapped~~ between two tracks <u>of the disk</u>.

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15. (Currently Amended)   An apparatus for recording and reproducing to and from a writable disk, comprising:

a pickup ~~of~~ writing input data and reading the written data to/from the writable disk;

a moving ~~means of~~unit moving the pickup across the writable disk; and

a controller ~~of~~ controlling the moving ~~means~~ unit to move the pickup to a recordable position indicated by data recording information which was updated after a previous data recording, (checking whether or not data has been recorded in an area following ~~after~~ the indicated recordable position ~~through~~ by examining the state of a recording surface state of the writable disk, (and changing the recordable position for ~~the~~ new data to ~~other~~ another position based on the checked result.

16. (Currently Amended) The apparatus set forth in claim 15, wherein the controller controls the pickup to write data necessary to close recorded data into a session if data has been recorded ~~after~~in said area following the indicated recordable position.

17. (Currently Amended) The apparatus set forth in claim 15, wherein the controller determines whether data has been recorded ~~after~~in said area following the indicated recordable position based on whether or not ~~the recording surface state is binary toggling or constant~~a binary signal modulated by a predetermined modulation method is detected.

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18. (New) The method set forth in claim 1, wherein in the step (a), a portion of the data recording information that indicates the recordable position is provided in a lead-in area of each program area of the disk.

19 (NEW) The system set forth in claim 15, wherein the data recording information is provided in a lead-in area of each program area of the disk.